



1652

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Klaus DUCKER et al.

Serial No.: 10/088,676

Group Art Unit: 1652

Filed: March 21, 2002

Examiner: M. RAO

For: A NOVEL MEMBER OF THE HEPARANASE PROTEIN FAMILY

RECEIVED

FEB 24 2004

**RESUBMISSION OF RESPONSE TO  
RESTRICTION REQUIREMENT OF JUNE 19, 2003**

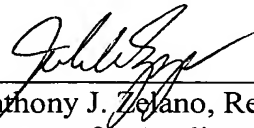
Mail Stop  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Attached is another copy of the response filed June 19, 2003, along with the U.S. Patent and Trademark Office date-stamped card, proving its timely filing.

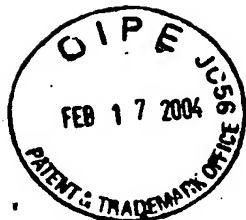
No fee is believed to be due with this response, however, the Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

 (33,103) for  
Anthony J. Zelano, Reg. No. 27,969  
Attorney for Applicants


MILLEN, WHITE, ZELANO  
& BRANIGAN, P.C.  
Arlington Courthouse Plaza 1, Suite 1400  
2200 Clarendon Boulevard  
Arlington, Virginia 22201  
Telephone: (703) 243-6333  
Facsimile: (703) 243-6410

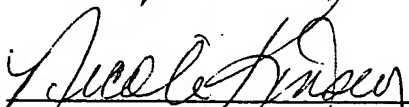
Date: February 17, 2004



No fee is believed to be due with this response, however, the Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

  
\_\_\_\_\_  
Anthony J. Zelano, Reg. No. 27,969  
Attorney for Applicant(s)

  
\_\_\_\_\_  
Nicole E. Kinsey, Reg. No. 50,723  
Agent for Applicant(s)

MILLEN, WHITE, ZELANO  
& BRANIGAN, P.C.  
Arlington Courthouse Plaza 1, Suite 1400  
2200 Clarendon Boulevard  
Arlington, Virginia 22201  
Telephone: (703) 243-6333  
Facsimile: (703) 243-6410

Date: June 19, 2003

**RECEIVED**

**FEB 24 2004**



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Klaus DUCKER et al.

Serial No.: 10/088,676

Group Art Unit: 1652

Filed: March 21, 2002

Examiner: M. RAO

For: A NOVEL MEMBER OF THE HEPARANASE PROTEIN FAMILY

RESPONSE TO RESTRICTION REQUIREMENT

RECEIVED

Mail Stop  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

FEB 24 2004

Sir:

In response to the Restriction Requirement dated May 29, 2003, applicants hereby elect with traverse Group I (claims 1-9).

It is respectfully submitted that the subject matter of the claims does have unity of invention. For example, the antibodies of Group II were made by immunizing an animal with the polypeptides of Group I (i.e., the antibodies of Group II are specific to the polypeptides of Group I). Furthermore, a search of the claims of Groups I-III would be co-extensive, and would not represent a serious search burden for the patent office. Absent a serious burden of examination, restriction is not proper. See MPEP § 803. Thus, the requirement should be withdrawn.



RECEIVED

FEB 24 2004

SERIAL NO. 10/088,676

DOCKET NO. MERCK 2393

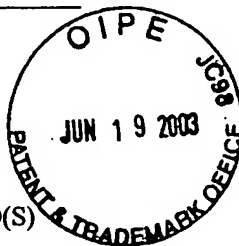
FILED March 21, 2002

APPLICANT(S) DUCKER et al.

THE PTO STAMP HEREON ACKNOWLEDGES RECEIPT OF THE FOLLOWING PAPERS FILED ON: 6/19/03

☐ FILED BY CERTIFICATE OF MAILING ON: \_\_\_\_\_

- ☐ FEES \$ \_\_\_\_\_; Check No. \_\_\_\_\_
- ☐ MISSING PARTS RESPONSE W/DECL.
- ☐ REPLY
- ☒ RESPONSE ☒ ELECTION
- ☐ NOTICE OF APPEAL
- ☐ APPEAL BRIEF (TRIPPLICATE)
- ☐ ASSIGNMENT
- ☐ EXTENSION OF TIME
- ☐ PRIORITY DOCUMENT(S)
- ☐ VERIFIED STATEMENT(S) UNDER 37 C.F.R. 1.9 & 1.27
- ☐ CONTINUATION PROSECUTION APPLICATION (CPA)



MO(S)

- ☐ STATEMENT OF USE
- ☐ ISSUE FEE
- ☐ DECLARATION UNDER
- ☐ INFORMATION DISCLOSURE
- ☐ PTO 1449 W/ \_\_\_\_\_ REFS.
- ☐ \_\_\_\_\_ SHEETS OF DRAWINGS
- ☐ COPY OF MISSING PARTS
- ☐ RENEWAL APPLICATION
- ☐ LETTER TO DRAFTSMAN
- ☐ STATUS INQUIRY
- ☐ APPLICATION DATA SHEET

OTHER \_\_\_\_\_

Initials: NEK/brs

Dktd 6/19/03-HR